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In Propria Persona

**UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

FILED
CLERK, U.S. DISTRICT COURT
5/30/25
CENTRAL DISTRICT OF CALIFORNIA
BY _____ CS _____ DEPUTY
DOCUMENT SUBMITTED THROUGH THE ELECTRONIC DOCUMENT SUBMISSION SYSTEM

TODD R. G. HILL, et al,

Plaintiffs

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,**

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**PLAINTIFF'S REQUEST FOR LEAVE TO
FILE SURREPLY IN RESPONSE TO
DOCKETS 319 AND 321 PURSUANT TO
DOCKET 311**

NO ORAL ARGUMENT REQUESTED

**PLAINTIFF'S REQUEST FOR LEAVE TO FILE SURREPLY IN RESPONSE TO
DOCKETS 319 AND 321 PURSUANT TO DOCKET 311**

CASE 2:23-CV-01298-JLS-BFM

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**PLAINTIFF’S REQUEST FOR LEAVE TO FILE SURREPLY IN RESPONSE TO
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TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

Plaintiff respectfully requests leave to file a short surreply or supplemental response to the oppositions filed by Defendant Spiro (Docket 319) and the Haight Defendants, i.e., the defendants affiliated with Peoples College of Law and represented by Haight Brown & Bonesteel, (Docket 321) concerning Plaintiff’s submission of the Proposed Fifth Amended Complaint (5AC). This request is made pursuant to the Court’s express invitation in Docket 311, which authorized Plaintiff to file a redline version and anticipated procedural clarification. The proposed response will address misstatements of procedural history, incorporation doctrine, and amendment standards, without rearguing points already raised. Plaintiff believes the short clarification will aid the Court in assessing whether the 5AC satisfies Federal Rule of Civil Procedure 15’s liberal amendment standard and was procedurally appropriate.

Plaintiff respectfully submits that the “[PROPOSED] PLAINTIFF’S RESPONSE TO DEFENDANTS’ OPPOSITIONS TO PLAINTIFF’S NOTICE OF SUBMISSION OF PROPOSED FIFTH AMENDED COMPLAINT” is being filed contemporaneously with this motion for leave, and is limited in scope to the procedural and legal issues raised in Dockets 319 and 321.

I. GROUNDS FOR REQUEST

The surreply is sought not to relitigate matters already presented, but to clarify the procedural posture and correct material misstatements found in Dockets 319 and 321—filings that fail to acknowledge the Court’s express directive in Docket 311, omit Plaintiff’s timely and transparent

**PLAINTIFF’S REQUEST FOR LEAVE TO FILE SURREPLY IN RESPONSE TO
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1 submission of supporting materials (including Dockets 315, 317, 318, and 320), and mischaracterize
2 both the legal standard under Fed. R. Civ. P. 15 and the content of the 5AC.
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4 Defendants' opposition papers misleadingly assert that Plaintiff filed the 5AC without leave,
5 failed to correct defects, and improperly incorporated by reference. In doing so, Defendants disregard
6 the procedural status of the case, the Court's specific invitation for a redline submission, and the fact
7 that Plaintiff's notice preserved both a Rule 15(a)(2) request and Rule 59(e) supplementation. The
8 proposed surreply would respond to these misstatements concisely and provide focused clarification
9 to assist the Court's review.
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12 **II. PROCEDURAL AUTHORITY AND COURT'S INHERENT POWER**

13 The Court has broad discretion to permit surreplies where doing so aids clarification, corrects
14 mischaracterizations, or addresses new arguments raised in opposition papers. See *Hill v. England*,
15 2005 WL 3031136, at *1 (E.D. Cal. Nov. 8, 2005) (granting leave where defendants raised new
16 issues in reply). Here, the oppositions raise procedural objections not previously briefed, namely, that
17 Plaintiff circumvented Rule 15 and that no further amendment is legally permissible. Plaintiff's
18 proposed surreply would respond directly to these arguments, clarify incorporation usage under
19 *Destfino v. Reiswig*, 630 F.3d 952 (9th Cir. 2011), and distinguish inapposite authority cited by
20 Defendants (e.g., *Salameh*, *Owens*, *Jang*), which the opposition papers present without proper
21 context.
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25 Moreover, the Ninth Circuit has repeatedly emphasized that motions for leave to amend
26 should be adjudicated based on fairness and the substance of the proposed amendment, not
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1 procedural formality or one-sided framing. See *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d
2 1048, 1052 (9th Cir. 2003). Allowing Plaintiff to file a short surreply here promotes that fairness,
3 particularly when the Defendants’ oppositions are demonstrably incomplete in their recitation of the
4 docket and misstate governing legal principles.
5

6 7 **III. ARGUMENT IN SUPPORT OF LEAVE TO FILE SURREPLY**

8 The Court’s Minute Order at Docket 311 explicitly invited Plaintiff to submit a redline version of
9 the proposed Fifth Amended Complaint (“5AC”) to clarify the record. Plaintiff complied with that
10 directive in good faith, submitting not only the requested redline but also a clean version, a sworn
11 declaration, and a preserved procedural notice. At the time of this submission, no judgment had been
12 entered and no order precluded further amendment under Rule 15(a)(2).
13

14 Subsequently, both Defendant Spiro (Docket 319) and the Haight Defendants (Docket 321) filed
15 oppositions that go far beyond mere procedural observations. They raise detailed substantive and
16 legal arguments against the 5AC, asserting futility, unintelligibility, and improper incorporation by
17 reference. These are not ministerial objections but direct efforts to foreclose amendment and bar
18 Plaintiff’s claims on the merits. Their filings function as de facto Rule 12(b)(6) mini-briefings—yet
19 Plaintiff has not previously been afforded an opportunity to respond.
20

21 It would be inconsistent with principles of fairness and basic procedural parity to permit
22 Defendants to challenge the 5AC with new legal authorities and characterizations while precluding
23 Plaintiff from rebutting those arguments. Plaintiff’s contemporaneously submitted surreply directly
24 addresses these issues and clarifies the record. To deny leave under these circumstances, where the
25 Court invited the submission and Defendants have mounted full-scale oppositions, would be to
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1 convert the Court's invitation into an asymmetric procedural trap. Leave should be granted to ensure
2 a complete and accurate record before the Court rules.

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4 **IV. REQUEST FOR LIMITED FILING AND EFFICIENT RELIEF**

5 Plaintiff proposes to submit no more than eight (8) pages of additional briefing, limited
6 exclusively to the clarification of:
7

- 8 1. Procedural posture and the operative status of the Proposed Fifth Amended Complaint;
9 2. Proper application of Rule 15(a)(2) and the Court's directive at Docket 311;
10 3. Factual incorporation by reference under Ninth Circuit precedent;
11 4. Distinction of the cases cited in Dockets 319 and 321.
12

13 This modest surreply is intended solely to assist the Court in reaching a reasoned and complete
14 ruling, particularly as neither opposition acknowledges key docket activity or engages with the
15 enhanced clarity, declaration, and redline already submitted.
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18 **V. CONCLUSION**

19 For the foregoing reasons, Plaintiff respectfully requests that the Court grant leave to file a
20 surreply limited to five pages in response to Dockets 319 and 321, in accordance with the procedural
21 invitation extended in Docket 311 and consistent with the interest of justice under Rule 15(a)(2).
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**PLAINTIFF'S REQUEST FOR LEAVE TO FILE SURREPLY IN RESPONSE TO
DOCKETS 319 AND 321 PURSUANT TO DOCKET 311**

1 Respectfully submitted,

2 Dated: May 30, 2025

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8 Todd R. G. Hill
9 Plaintiff, Pro Se

10 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

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12 The undersigned party certifies that this brief contains 955 words, which complies with the 7,000-
13 word limit of L.R. 11-6.1.

14 Respectfully submitted,

15
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17



18 May 30, 2025

19 Todd R.G. Hill

20 Plaintiff, in Propria Persona

21
22 **Plaintiff's Proof of Service**

23 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-
24 3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a
25 document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the
26 CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court
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1 and (2) all pro se parties who have been granted leave to file documents electronically in the case
2 pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service
3 through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.
4 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
5 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.
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9 Respectfully submitted,

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13 May 30, 2025
14 Todd R.G. Hill
15 Plaintiff, in Propria Persona
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